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Department of State

OUTGOING TELEGRAM

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HA:JSALZBERG
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E.O. 12Ø65: GDS 11/2Ø/86 (CLARK-BOURNE, KATHRYN)

TAGS: SJUM, TO

SUBJECT: 198O HUMAN RIGHTS REPORT FOR TOGO

REFS: (A) LOME O5447, (B) STATE 224684

1. FIRST REVIEW OF 198O HUMAN RIGHTS REPORT FOR TOGO HAS BEEN COMPLETED. REVIEW COMMITTEE COMPLIMENTED POST'S EFFORTS TO PRODUCE A BALANCED REPORT AND APPRECIATES PROBLEM OF DOING SO IN TOGOLESE CONTEXT. NOTWITHSTANDING THESE DIFFICULTIES, HOWEVER, REPORT WAS CRITICIZED FOR NOT FULLY MEETING REQUIREMENTS IN TASKING CABLE REF B. POST IS REQUESTED TO CLARIFY FOLLOWING ITEMS:

(A) SECTION IA -- IS THERE A LAW WHICH SPECIFICALLY PROHIBITS TORTURE?

(B) SECTION IE -- IS THERE A STATUTORY BASIS FOR FREE PUBLIC TRIAL. IF "VIRTUALLY ALL DEFENDENTS HAVE A PUBLIC TRIAL WITH THE RIGHT TO BE REPRESENTED BY COUNSEL" WHO DOES NOT HAVE THE RIGHT? IS THIS SPELLED OUT IN LAW? AT WHAT POINT IS AN ATTORNEY ACCORDED PERMISSION TO SEE THE DEFENDANT? ACCORDING TO LAW, HOW LONG CAN A DEFENDANT BE HELD WITHOUT BEING CHARGED? POST SHOULD PROVIDE STATEMENT CONCERNING THE INDEPENDENCE OF

THE TOGOLESE JUDICIARY. WHO APPOINTS JUDGES? PLEASE PROVIDE ADDITIONAL INFORMATION ON THE APPEALS PROCESS.

(D) SECTION II -- DO CITY AND URBAN WAGES PROVIDE AN ADEQUATE LIVING FOR MOST TOGOLESE?

(E) SECTION IIC -- POST SHOULD EXPAND THIS SECTION TO INCLUDE COMMENT ON HOW MUCH OPPOSITION IS ALLOWED WITHIN THE POLITICAL PROCESS. IS THERE, FOR INSTANCE, AN ARTICLE IN THE CONSTITUTION BANNING ALL OPPOSITION PARTIES?

(F) SECTION IV -- POST SHOULD INCLUDE DRAFT FOR SECTION FOUR OF REPORT AS REQUESTED REFTEL B.

2. RESPONSE TO ABOVE IS NEEDED ASAP. PLEASE REPLY BY IMMEDIATE CABLE.

MUSKIE

DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY [signature] DATE 4/27/83
NSC [illegible] DOE [illegible]
CIA [illegible] OTHER(S) [illegible]
EXCISE EXEMPTIONS [illegible]
DECLASSIFY [illegible] RELEASABLE [✓]
RELEASE DATE [illegible]
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